

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:20-00024

THOMAS DREW BESS

MEMORANDUM OPINION AND ORDER

Pending before the court is the defendant's Unopposed Motion to Continue Trial and All Related Dates. (ECF No. 23). In support of his motion, counsel for the defendant explains that he was only recently retained to represent defendant and that additional time is needed to review discovery as well as to research issues relevant to trial and any possible defenses. The government does not oppose the motion.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** the defendant's motion to continue. In deciding to grant defendant's motion, the court considered the factors outlined in 18 U.S.C. § 3161(h)(7)(B) and finds that denying the motion "would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence." Id. § 3161(h)(7)(B)(iv).

Accordingly, the court hereby **ORDERS** as follows:

- I. The deadline for the filing of pretrial motions is continued until **July 13, 2020;**
- II. The Pretrial Motions Hearing is continued until **3:30 p.m. on July 20, 2020, in Charleston;**
- III. Jury Instructions and Proposed Voir Dire are due to the court by **August 18, 2020;**
- IV. Trial of this action is continued until **9:30 a.m. on August 25, 2020, in Charleston;**
- V. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to all counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 22nd day of June, 2020.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge